

JOURNAL OF THE HOUSE.

Thursday, October 31, 2013.

Met according to adjournment at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Pledge of
allegiance.

At the request of the Chair (Mr. Donato) the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Women in
Government
Foundation.

Resolutions (filed by Mrs. Ferguson of Holden and other members of the House) commending Women in Government Foundation, Inc. on twenty-five years of service to women state legislators across the United States;

Milford,—
Temple Beth
Shalom.

Resolutions (filed by Mr. Fernandes of Milford) congratulating Temple Beth Shalom of the town of Milford on the occasion of its one hundredth anniversary; and

William E.
Crowell, Jr.

Resolutions (filed by Mr. Turner of Dennis) congratulating William E. Crowell, Jr., for his service to the community;

Mr. Binienda of Worcester, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Kafka of Stoughton, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

Petitions severally were presented and referred as follows:

Mashpee
Water
District.

By Mr. Vieira of Falmouth, a petition (subject to Joint Rule 12) of David T. Vieira and Daniel A. Wolf (by vote of the town) relative to amending the charter of the town of Mashpee concerning the Mashpee Water District.

Chrystal
Bonner,—
sick leave.

By Mr. Walsh of Boston, a petition (subject to Joint Rule 12) of Martin J. Walsh for legislation to establish a sick leave bank for Chrystal Bonner, an employee of the Executive Office of Health and Human Services.

India
Haith,—
sick leave.

By Mr. Walsh of Boston, a petition (subject to Joint Rule 12) of Martin J. Walsh for legislation to establish a sick leave bank for India Haith, an employee of the Executive Office of Health and Human Services.

Severally, under Rule 24, to the committee on Rules.

Papers from the Senate.

Gaming
Commission,—
medications and
prohibited
substances.

A communication from the Massachusetts Gaming Commission (under the provisions of Section 9B of Chapter 128A of the General Laws) submitting proposed changes to 205 CMR 3.29 and 4.52 governing medications and prohibited substances (Senate, No. 1902), was

referred, in concurrence, to the committee on Consumer Protection and Professional Licensure.

Reports

Of the Executive Office of Health and Human Services, Department of Public Health (under the provisions of Section 3 of Chapter 283 of the Acts of 2010) relative to prescription drug monitoring; and

Prescription
drug
monitoring.

Of the Inspector General (under the provisions of Section 160 of Chapter 138 of the Acts of 2013) submitting its preliminary report on the MassHealth Program;

MassHealth
Program.

Severally read for the information of the House; and returned to the Senate.

The following notice was received from the Clerk of the Senate, to wit:—

October 31, 2013.

Honorable Robert A. DeLeo
Speaker of the House of Representatives
Room 356, State House
Boston, MA 02133

Dear Mr. Speaker:

I have the honor to inform you that the Honorable Therese Murray, President of the Senate, has announced the following appointments to certain special commissions:

Elizabeth A. Hart of Malden (pursuant to Section 66 of Chapter 3 of the General Laws) to the Massachusetts Commission on the Status of Women, for a term that will expire on October 31, 2016; and

Status of
Women.

Lori Sousa (pursuant to Section 69 of Chapter 2 of the General Laws) to the Massachusetts Commission on the Status of Grandparents Raising Grandchildren.

Grandparents
Raising
Grandchildren.

Respectfully submitted,

WILLIAM F. WELCH,
Clerk of the Senate.

Reports of Committees.

By Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Thomas J. Calter and Therese Murray for legislation to establish a sick leave bank for Laureen Doolan, an employee of the Department of Correction. Under suspension of the rules, on motion of Mr. Kafka of Stoughton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Laureen
Doolan,—
sick leave.

By Mr. Binienda of Worcester, for the committees on Rules of the two branches, acting concurrently, that the Bill establishing an educational mandate task force (House, No. 3722), ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

Educational
mandates
task force.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the following bills be scheduled for consideration by the House:

Topsfield,—
liquor
license.

The Senate Bill authorizing the town of Topsfield to grant a license for the sale of wine to be drunk on the premises of a farmer-winery (Senate, No. 1790, amended) [Local Approval Received]; and

House bills

Gardner,—
tax
exemption.

Exempting certain real property owned by veteran organizations in the city of Gardner from taxation (House, No. 3445) [Local Approval Received]; and

Belmont,—
town
administrator.

Establishing the position of town administrator in the town of Belmont (House, No. 3657) [Local Approval Received];

Under suspension of Rule 7A, in each instance, on motion of the same member, the bills were read a second time forthwith; and they were ordered to a third reading.

Orders of the Day.

House bills

Third
reading
bills.

Authorizing the town of Andover to convey a certain parcel of land (House, No. 3483, changed);

Establishing a sick leave bank for Robert K. Barry, an employee of the Executive Office of Health and Human Services (House, No. 3668); and

Establishing a sick leave bank for Janet Soboleski, an employee of the Department of Mental Health (House, No. 3682);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Recess.

Recess.

At four minutes after twelve o'clock noon, on motion of Mr. deMacedo of Plymouth (Mr. Donato of Medford being in the Chair), the House recessed until half past one o'clock P.M.; and at six minutes before two o'clock the House was called to order with Mr. Donato in the Chair.

Paper from the Senate.

Simulcasting
horse races.

The Senate Bill relative to simulcasting horse races in the Commonwealth (Senate, No. 1905) (on a part of Senate bill, No. 1895), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Mr. Dempsey of Haverhill, for said committee, then reported recommending that the foregoing bill ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kafka of Stoughton, for said committee, then reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently under suspension of the rules, on motion of Mr. Spelitis of Danvers the bill (having been reported by the committee on

Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, in concurrence.

Reconsideration.

Mr. Dempsey of Haverhill asked that the vote be reconsidered by which the House, at the preceding sitting, passed to be engrossed, in concurrence, as amended, the Senate Bill relative to veterans' allowances, labor, outreach and recognition (Senate, No. 1885, amended), and the motion to reconsider was entertained; and it prevailed.

Veterans' benefits.

The same member then moved that the vote be reconsidered by which the House adopted amendments (offered by him), that the bill be amended by inserting after section 4 the following section:

"SECTION 4A. Chapter 29 of the General Laws is hereby amended by inserting after section 2GGGG the following section:—

Section 2HHHH. There shall be established and set upon the books of the commonwealth a separate fund to be known as the Support our Veterans Fund. There shall be credited to said fund revenues received from the sale of „Support our Veterans' distinctive registration plates issued pursuant to subsection (d) of section 2E of chapter 90. Amounts credited to said fund shall be available for expenditure by the secretary of the department of veterans. services who shall distribute the funds once during each fiscal year for the purpose of administering grants to programs or organizations that fund additional services or conduct research relative to, including, but not limited to, the following: (i) veterans' mental health and substance abuse; (ii) veterans' housing and homelessness; (iii) veterans' health care; (iv) veterans' disability benefits; (v) long-term care of veterans; (vi) veteran employment and employment training; (vii) veterans' education; and (viii) Gold Star family support.

In order to expend funds from said fund, the secretary of the department of veterans' services shall appoint a 3-member funding authorization committee. The committee shall authorize the expenditure of funds through an application process developed and administered by the committee. The secretary shall be a member and act as the chairperson of the committee. One member of the committee shall be a member of the Governor's Advisory Council on Veterans' Services, who shall be appointed by the governor. One member of the committee shall be a veteran representative of the public with no financial interest in funding programs and services, who shall be appointed by the governor. No member of the legislature shall serve on the committee. An entity awarded funds pursuant to this section, in any fiscal year, shall not be eligible for funding for the next 2 subsequent fiscal years.”;

By striking out section 20 and inserting in place thereof the following section:

“SECTION 20. Section 2E of said chapter 90, as so appearing, is hereby amended by adding the following subsection:—

(d) The registrar shall furnish, upon application, to the owner of a private passenger motor vehicle, a distinctive registration plate that shall display on its face the words ‘Support our Veterans’ to honor men and women who have served in the armed forces of the United States and the armed forces of the commonwealth. There shall be a fee of not less than \$50 for the plates in addition to the established

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registration fee for a private passenger motor vehicle, which shall be payable at the time of registration of the vehicle and at each renewal thereof. The portion of the total remaining fee, after the deduction of costs directly attributable to the issuance of the plates, shall be deposited in the Support our Veterans Fund established pursuant to section 2HHHH of chapter 29.”; in section 26, in line 232, by inserting after the word “member” the words: “appointed by the minority leader of the senate”, in line 238, by inserting after the word “member”, the words: “appointed by the minority leader of the house of representatives”, in lines 249 to 258, inclusive, by striking out the following: “, 2 of whom shall be veterans of Operation New Dawn, Operation Enduring Freedom or Operation Iraqi Freedom, and 1 from a list of nominees submitted by each of the following organizations: Massachusetts Coalition for Suicide Prevention, Massachusetts Psychological Association Inc., Massachusetts Psychiatric Society, Inc., Massachusetts Association of Mental Health, Inc., Association for Behavioral Healthcare, Inc., Massachusetts Veterans’ Service Officers Association, Massachusetts Women Veterans’ Network, The Red Sox Foundation and Massachusetts General Hospital Home Base Program, the Massachusetts Military Heroes Fund, Inc., the United States Veterans Administration, the Massachusetts Hospital Association, Inc., the Military Friends Foundation and the Massachusetts League of Community Health Centers, Inc.” and inserting in place thereof the following: “from a list of nominees submitted by each of the following organizations: Massachusetts Coalition for Suicide Prevention, Massachusetts Psychological Association Inc., Massachusetts Psychiatric Society, Inc., Massachusetts Association of Mental Health, Inc., Association for Behavioral Healthcare, Inc., Massachusetts Veterans’ Service Officers Association, Massachusetts Women Veterans’ Network, The Red Sox Foundation and Massachusetts General Hospital Home Base Program, the Massachusetts Military Heroes Fund, Inc., the United States Veterans Administration, the Massachusetts Hospital Association, Inc., the Military Friends Foundation and the Massachusetts League of Community Health Centers, Inc.; provided that 2 of such members shall be veterans of Operation New Dawn, Operation Enduring Freedom or Operation Iraqi Freedom”; and the motion to reconsider prevailed.

Pending the recurring question on adoption of the amendments, Mr. Dempsey of Haverhill moved to amend them by striking out the text of said amendments and inserting in place thereof the following:

“By inserting after section 4 the following section:—

SECTION 4A. Chapter 29 of the General Laws is hereby amended by inserting after section 2GGGG the following section:

‘Section 2HHHH. There shall be established and set upon the books of the commonwealth a separate fund to be known as the Support our Veterans Fund. There shall be credited to said fund revenues received from the sale of “Support our Veterans” distinctive registration plates issued pursuant to subsection (d) of section 2E of chapter 90. Amounts credited to said fund shall be available for expenditure by the secretary of the department of veterans. services who shall distribute the funds once during each fiscal year for the purpose of administering grants to programs or organizations that fund additional services or conduct research relative to, including, but not limited to, the following: (i) vet-

erans' mental health and substance abuse; (ii) veterans' housing and homelessness; (iii) veterans' health care; (iv) veterans' disability benefits; (v) long-term care of veterans; (vi) veteran employment and employment training; (vii) veterans' education; and (viii) Gold Star family support.

In order to expend funds from said fund, the secretary of the department of veterans' services shall appoint a 3-member funding authorization committee. The committee shall authorize the expenditure of funds through an application process developed and administered by the committee. The secretary shall be a member and act as the chairperson of the committee. One member of the committee shall be a member of the Governor's Advisory Council on Veterans' Services, who shall be appointed by the governor. One member of the committee shall be a veteran representative of the public with no financial interest in funding programs and services, who shall be appointed by the governor. No member of the legislature shall serve on the committee. An entity awarded funds pursuant to this section, in any fiscal year, shall not be eligible for funding for the next 2 subsequent fiscal years.”;

“In section 20, in subsection (d), by striking out the first paragraph and inserting in place thereof the following subsection:

(d) The registrar shall furnish, upon application, to the owner of a private passenger motor vehicle, a distinctive registration plate that shall display on its face the words ‘Supporting our Veterans’ to honor men and women who have served in the armed forces of the United States and the armed forces of the commonwealth. There shall be a fee of not less than \$50 for the plates in addition to the established registration fee for a private passenger motor vehicle, which shall be payable at the time of registration of the vehicle and at each renewal thereof. The portion of the total remaining fee, after the deduction of costs directly attributable to the issuance of the plates, shall be deposited in the Support our Veterans Fund established pursuant to section 2HHHH of chapter 29.”;

“In section 26, in line 232, by inserting after the word ‘member’ the words ‘appointed by the minority leader of the senate’, in line 238, by inserting after the word ‘member’ the words ‘appointed by the minority leader of the house of representatives’, in lines 249 to 258, inclusive, by striking out following: ‘and 14 members shall be appointed by the governor, 2 of whom shall be veterans of Operation New Dawn, Operation Enduring Freedom or Operation Iraqi Freedom, and 1 from a list of nominees submitted by each of the following organizations: Massachusetts Coalition for Suicide Prevention, Massachusetts Psychological Association Inc., Massachusetts Psychiatric Society, Inc., Massachusetts Association of Mental Health, Inc., Association for Behavioral Healthcare, Inc., Massachusetts Veterans’ Service Officers Association, Massachusetts Women Veterans’ Network, The Red Sox Foundation and Massachusetts General Hospital Home Base Program, the Massachusetts Military Heroes Fund, Inc., the United States Veterans Administration, the Massachusetts Hospital Association, Inc., the Military Friends Foundation and the Massachusetts League of Community Health Centers, Inc.’ and inserting in place thereof the following: ‘and 14 members shall be appointed by the governor from a list of nominees submitted by each of the following organizations: Massachu-

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setts Coalition for Suicide Prevention, Massachusetts Psychological Association Inc., Massachusetts Psychiatric Society, Inc., Massachusetts Association of Mental Health, Inc., Association for Behavioral Healthcare, Inc., Massachusetts Veterans' Service Officers Association, Massachusetts Women Veterans' Network, The Red Sox Foundation and Massachusetts General Hospital Home Base Program, the Massachusetts Military Heroes Fund, Inc., the United States Veterans Administration, the Massachusetts Hospital Association, Inc., the Military Friends Foundation and the Massachusetts League of Community Health Centers, Inc.; provided that 2 of such members shall be veterans of Operation New Dawn, Operation Enduring Freedom or Operation Iraqi Freedom."

The further amendments were adopted, thus precluding a vote on the recurring amendments.

Mr. Naughton of Clinton then moved that the vote be reconsidered by which the House adopted an amendment (offered by him) [A] striking out section 1 and inserting in place thereof the following section:

"SECTION 1. (i3/4) SDO shall, every three years and in consultation with the department of veterans' services, establish goals for participation of service-disabled, veteran-owned business enterprises in all areas of state procurement contracting, including contracts for public construction, design services, and commodities and service. In calculating such goals, the Secretary shall base his determination on an understanding of the pool of service-disabled veteran-owned business enterprises available to participate in the Program."; and the motion to reconsider prevailed.

Pending the recurring question on adoption of the amendment, the same member moved to amend it by striking out the text of said amendment [at "A"] and inserting in place thereof the following:

"In section 1, in lines 1 to 8, inclusive, by striking out the paragraph contained therein and inserting in place thereof the following paragraph:—

(i3/4) SDO shall, every three years and in consultation with the department of veterans' services, establish goals for participation of service-disabled, veteran-owned business enterprises in all areas of state procurement contracting, including contracts for public construction, design services, and commodities and service. In calculating such goals, the Secretary shall base his determination on an understanding of the pool of service-disabled veteran-owned business enterprises available to participate in the Program."

The further amendments were adopted, thus precluding a vote on the recurring amendment.

The bill, as amended, then was passed to be engrossed. The bill (Senate, No. 1885, amended) then was sent to the Senate for concurrence in the amendment (being the text of House document numbered 3735).

Emergency Measure.

Simulcasting
horse races.

The engrossed Bill relative to simulcasting horse races in the Commonwealth (Senate, No. 1905), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 4 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate. Bill enacted.

Order.

On motion of Mr. DeLeo of Winthrop,—

Ordered, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M. Next sitting.

At twenty-two minutes before three o'clock P.M., on motion of Mr. deMacedo of Plymouth (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Monday at eleven o'clock A.M., in an Informal Session.